

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 15-2030 WJ

ROY HEILBRON,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION FOR CONTINUANCE OF
SENTENCING DATE AND DENYING PERMISSION TO TRAVEL**

THIS MATTER comes before the Court upon Defendant's Motion for a Continuance of the August 28, 2017 Sentencing Date/Permission to Travel, filed August 7, 2017 (Doc. 82). The Government opposes any continuance of the sentencing date.

Defendant has been diagnosed with prostate cancer and is scheduled to receive chemotherapy treatments this month from a holistic urologist in San Jose, Costa Rica. Defendant claims that he is seeking medical care in Costa Rica because he does not have medical insurance and cannot afford treatment in the United States, and because he has confidence in the treatment protocol offered by the Costa Rica physician. *See* Doc. 82-1.

The Court finds Defendant's claim of indigence to be somewhat suspect, since he apparently still has resources to cover the expenses of legal representation by his California defense attorneys—which the Court assumes is not being provided pro bono. Moreover, to the extent that Defendant is unable to purchase private insurance sufficient to meet his particular needs, the Federal Bureau of Prisons has medical facilities and qualified medical specialists qualified to treat conditions such as prostate cancer. Finally, the undersigned judge has close to

sixteen years experience as a U.S. District Judge and seven years experience as a general jurisdiction judge for the State of New Mexico. During this nearly 23 years of judicial experience, the Court has never allowed a defendant to travel to a foreign country on the eve of a sentencing hearing and the Court sees no reason to make an exception in the case of Defendant Heilbron.

For these reasons, Defendant's motion is DENIED. Defendant Heilbron and his attorney shall be present, in person, for the sentencing hearing on August 28, 2017, at 1:30 p.m., MST, Bonita Courtroom, 5th Floor, United States Courthouse, 333 Lomas Boulevard NW, Albuquerque, New Mexico.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE